

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SUSAN M HARLOW
Claimant

APPEAL NO. 11A-UI-01022-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER COMPANIES INC
Employer

OC: 08/22/10
Claimant: Respondent (4)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Palmer Companies, Inc. filed a timely appeal from an unemployment insurance decision dated January 19, 2011, reference 02, that allowed benefits to Susan M. Harlow and which indicated that the employer might be charged with benefits paid to her. Due notice was issued for a telephone hearing to be held February 25, 2011. At the time of the hearing, the claimant and the employer entered into a stipulation making a formal hearing unnecessary. The administrative law judge takes official notice of Agency benefit payment records.

ISSUES:

Is the claimant eligible to receive unemployment insurance benefits?

Is the employer liable for benefits paid to Ms. Harlow during her present benefit year?

FINDINGS OF FACT:

Having examined all matters off record, the administrative law judge finds: Susan M. Harlow filed a claim for unemployment insurance benefits effective August 22, 2010. Her unemployment insurance benefits are based upon wages paid to her by all employers from April 1, 2009, through March 31, 2010. Ms. Harlow's employment with Palmer Companies, Inc. began after April 1, 2010. Ms. Harlow works temporary assignments for the company, an executive placement firm. She also seeks full-time permanent employment.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether the claimant is eligible to receive unemployment insurance benefits. She is.

The evidence in the record establishes that Ms. Harlow reports her earnings when working on assignment for Palmer. As long as her weekly earnings do not exceed the sum of her unemployment insurance weekly benefit amount plus \$15.00 and as long as she does not work at least 40 hours in a given week, she meets the definition of being partially unemployed. In weeks in which she does not work at all, she meets the definition of being totally unemployed.

See Iowa Code section 96.19-38. Since she remains available for full-time employment and is actively seeking work, she meets the eligibility requirements of Iowa Code section 96.4-3.

Palmer Companies, Inc. did not pay wages to Ms. Harlow during the period April 1, 2009, through March 31, 2010. Since it is not a base period employer, it cannot be charged with benefits paid to Ms. Harlow during her present benefit year. See Iowa Code section 96.7-2-a.

DECISION:

The unemployment insurance decision dated January 19, 2011, reference 02, is modified. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of Palmer Companies, Inc. during the claimant's current benefit year.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw